

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 48-140 are pending in the application, with claims 48, 90, 98, 108, 109, 110, 118, 119, 120, 121, and 135 being the independent claims. Claim 102 is a duplicate of claim 101 and is sought to be cancelled without prejudice or disclaimer. Claims 48, 59, 62, 64, 67, 68, 76, 90, 98, 108-110, 118-121, 129, 132, 133, and 135 are sought to be amended. For instance, claims 48, 64, 67 and 68 recite a more inclusive term "user" rather than "his". Claim 59 is amended to correct a cosmetic, typographical error. Claim 62 is amended to recite "or". Claim 76 is amended to correct its dependency. Claims 90, 98, 108-110 and 118-121 are amended to recite "is configured to." Claims 82, 129, 132 and 133 are amended to be even more clear. New claim 140 is sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Specification

On page 2 of the Office Action, the title was objected to because it is not descriptive. The title has been amended accordingly. Applicant, therefore, respectfully requests that this objection be reconsidered and withdrawn.

Objection under 37 C.F.R. § 1.75

On page 3 of the Office Action, claims 53, 55, 56, and 57 were objected to under 37 C.F.R § 1.75 as being substantial duplicates of claims 90, 92, 97, and 118, respectively. Applicant respectfully disagrees.

First, the Examiner referred to claim 53 as being substantially duplicative of claim 90; however, from an inspection of the claim language this appears to be clearly incorrect and Applicant assumes the Examiner meant to refer to claim 91 instead of claim 90.

More substantively, independent claims 48 and 90 are substantially different as each recites different language. For example, claim 90 recites, *inter alia*, a user interface being "configured to generate information about use of the unit by the user;" whereas, claim 48 recites, *inter alia*, a user interface being "configured to elicit, from a user, information about the user's perception of the commodity." This difference in claim language between independent claims 48 and 90 is further incorporated in the respective sets of dependent claims. "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." 37 C.F.R. § 1.75.

Accordingly, Applicant submits that claims 53, 55, 56, and 57, which depend on claim 48, are not duplicates of claims 91, 92, 97, and 118 which depend from claim 90. Claim 53 is also not substantially duplicative of claim 90. Applicant respectfully requests that the Examiner reconsider and withdraw the objection.

Rejections Under 35 U.S.C. § 102

On page 4 of the Office Action, the Examiner rejected claims 48-52, 54, 58-73, 75-89, 98-117, and 119-139 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 5,237,157 to Kaplan (hereinafter Kaplan). Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection. Notwithstanding the foregoing amendments, substantial differences exist between the claimed invention and Kaplan.

Kaplan describes a music kiosk that includes a user interface. The kiosk allows a user to preview samples of music. *See, e.g.*, Kaplan, col. 2, ln. 49-col. 3, ln. 60, and col. 4, ln. 14-col. 6, ln. 3. The user interface allows a user at the music kiosk to rate music CDs. *See, e.g.*, Kaplan, Fig. 4.

Kaplan does not teach each and every element of independent claims 48, 98, 108, 109, 110, 119-121, and 135. With respect to claim 48, Kaplan does not disclose *inter alia*:

"...units of a commodity that are used by respective users in different locations,
a user interface which is part of each of the units of the commodity, provides a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and is configured to elicit, from a user, information about the user's perception of the commodity...."

The Examiner appears to consider music CDs in Kaplan to be "units of a commodity." Even if this is assumed to be correct for the sake of argument, such music CDs in Kaplan do not further have (nor could they have) a user-interface which is part of the units of a commodity so as to anticipate each and every element of claim 48.

In addition, if the Examiner for the sake of argument considers music kiosks in Kaplan to be "units of a commodity," one still would not have arrived at the claimed invention since a kiosk user-interface in Kaplan allows a user to rate music CDs but is not configured to elicit from a user information about the user's perception of the kiosk.

For at least these reasons, Applicant submits that independent claim 48 is patentable over Kaplan.

With respect to other independent claims, Kaplan does not disclose, *inter alia*, "a user interface . . . [that] is configured to elicit information about (i) steps that a vendor of the commodity could take to improve the user's satisfaction or (ii) training or support provided for users of the commodity", as recited in independent claim 98. Kaplan does not disclose, *inter alia*, a user-interface "configured to provide instructional information about use of the unit of the commodity, the interactions comprising training based on two-way interactions with all or some other users, the interactions being arranged to present actions that the user could take to increase performance or satisfaction to a level achieved by other users," as recited in independent claim 108. Kaplan further does not disclose, *inter alia*, "a user interface . . . [that] is configured to provide instructional information about use of the commodity, wherein the interface is triggered based on user comprehension," as recited in independent claim 119.

As for independent claims 109, 110, 120, and 121, Kaplan does not teach at least each of the following features:

Claim 109: "the user interface is configured to generate information about use of the unit of the commodity by the user, and presents information in a style that comprises hypertext,"

Claim 110: "the user interface is configured to generate information about use of the unit of the commodity by the user,"

Claim 120: "the user interface is configured to generate information about the commodity, wherein the information comprises value information about user comprehension or user performance," and

Claim 121: "the user interface is configured to generate information about the commodity, wherein the information comprises value information about marketing or future product design."

Finally, Kaplan does not teach or suggest, *inter alia*, "eliciting users for their perceptions of respective units of commodity," as recited in independent claim 135.

On pages 2 and 3 of the Office Action, the Examiner alleged that claims 48, 98, 108-110, and 119-121 lacked structural limitations to distinguish the claimed apparatus from the prior art and apparently failed to give proper weight to structural limitations defined with functional terms. Applicant respectfully traverses the Examiner's claim interpretation comments. As stated in M.P.E.P. § 2173.05(g), "[t]here is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper." For instance, claim 48 recites, *inter alia*, a user interface that "is configured to elicit, from the user, information about the user perception of the commodity." Such a limitation here is structure properly defined by functional language and is not a mere intended result or employment of an apparatus.

Claims 98, 108-110, and 119-121 likewise include structural limitations defined with functional language and have been amended to include "configured to" language. Therefore, for at least the reasons presented above, claims 48, 98, 108-110, and 119-121 contain elements not disclosed in Kaplan and are patentable over Kaplan.

Claims 49-52, 54, 58-73, 75-89, 99-107, 111-117, 122-134, and 136-139 depend directly or indirectly from claims 48, 98, 110, or 135, and are thus patentable for at least

the reasons presented above, and further view of their own respective features. For example, claim 49 recites "a user interface [that] is triggered based on user behaviors to generate two-way interactions with each of the user, each of the interaction relating to a corresponding specific one of the behaviors" which is not taught or suggested by Kaplan. Claim 63 recites a "user interface [that] triggers two-way interactions that comprise training based on two-way interactions with all or some other users" which is not taught or suggested by Kaplan. Finally, claim 64 recites a "user interface [that] is triggered based on user comprehension or performance with respect to the user's use of the commodity" which is not taught or suggested by Kaplan.

Accordingly, for at least the above reasons, Applicant requests that the Examiner reconsider and withdraw the rejection of dependent claims 48-52, 54, 58-73, 75-89, 98-117, and 119-139.

Rejections Under 35 U.S.C. § 103

On page 7 of the Office Action, the Examiner rejected claims 53, 74, and 90-97 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan in view of U.S. Patent No. 4,803,348 to Lohrey *et al.* (hereinafter Lohrey). Applicant respectfully traverses these rejections, submits that such a combination is not proper, and requests that they be withdrawn.

At the very least, Lohrey fails to overcome the deficiencies of Kaplan noted above. Accordingly, claims 53, 74, and 90-97 are patentable over Kaplan and Lohrey, taken alone or in the applied combination, for at least the reasons presented above.

Claims 55-57, 60, 80, and 118 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaplan in view of U.S. Patent No. 5,283,819 to Glick *et al.* (hereinafter Glick). Applicant respectfully traverses these rejections, submits that such a combination is not proper, and requests that they be withdrawn.

At the very least, Glick fails to overcome the deficiencies of Kaplan noted above. Accordingly, claims 55-57, 60, 80, and 118 are patentable over Kaplan and Glick, taken alone or in the applied combination, for at least the reasons presented above.

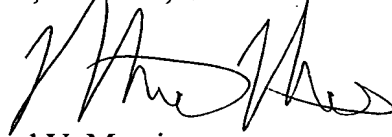
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael V. Messinger
Attorney for Applicant
Registration No. 37,575

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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